



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NB:MRM/SSA
F. #2020R00784

*610 Federal Plaza
Central Islip, New York 11722*

May 14, 2024

By ECF

The Honorable James M. Wicks
United States District Court
Eastern District of New York
1020 Federal Plaza
Central Islip, New York 11722

Re: United States v. Niall Alli
Criminal Docket No. 22-395 (GRB) (JMW)

Dear Judge Wicks:

The government respectfully submits this letter to supplement the government's pending motion for bail forfeiture and detention of the defendant Niall Alli ("defendant"). The motion is based on defendant's violation of a release condition, namely commission of a federal, state or local felony while on release. Pursuant to 18 U.S.C. § 3148, if this Court finds that there is probable cause to believe that defendant has committed a crime while on release and finds either that there is no condition or combination of conditions of release that will assure that defendant will not flee or pose a danger to the safety of any other person or the community or that defendant is unlikely to abide by any condition or combination of conditions of release, the Court "shall enter an order of revocation and detention." 18 U.S.C. § 3148(b).

In making this determination, if the Court finds that there is probable cause to believe that, while on release, defendant committed a federal state or local felony, then a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. 18 U.S.C. § 3148(b)(2)(B). These findings "need only be supported by a preponderance of the evidence, given that this "is the standard usually used in pretrial proceedings. Gotti, 794 F.2d at 777." Federal Criminal Practice: A Second Circuit Handbook, § 4-6, Mehler, Gleeson, James & Cooley (2022). It is well established that the bail revocation hearing may proceed by proffer and should not become a "mini-trial." United States v. Martir, 782 F.2d 1141, 1145 (2d Cir. 1986); United States v. LaFontaine, 210 F.3d 125 (2d Cir. 2000); United States v. Bartok, 472 Fed.Appx. 25 (2d Cir. 2012).

The government believes that the motion papers provide probable cause to believe that defendant has committed a federal felony while on release. Accordingly, the government

requests that the Court find that there is probable cause to believe that defendant committed a federal felony while on release and enter an order of revocation and detention.

BREON PEACE
United States Attorney

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cc: Charles Millioen, Esq. – Federal Defenders of New York
Defense Counsel of Record (by ECF)